

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

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|------------------------------------|---|--|
| Larry Moseley, #273784, |) | |
| |) | Civil Action No. 8:04-1753-CMC-BHH |
| Plaintiff, |) | |
| |) | <u>REPORT OF MAGISTRATE JUDGE</u> |
| vs. |) | |
| |) | |
| P. Douglas Taylor, Warden at |) | |
| Ridgeland Correctional Institute; |) | |
| and William Bryan Dukes, Office of |) | |
| Attorney General of State of South |) | |
| Carolina, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

The plaintiff, a state prisoner proceeding *pro se*, seeks relief pursuant to Title 42, United States Code, Section 1983.

Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(B), and Local Rule 73.02(B)(2)(d), D.S.C., this magistrate judge is authorized to review all pretrial matters in cases filed under Title 42, United States Code, Section 1983, and submit findings and recommendations to the District Court.

By order of this court filed May 26, 2005, the plaintiff was given through June 14, 2005, to provide the court with his projected max-out date. The plaintiff failed to respond. On June 20, 2005, the plaintiff was given another opportunity, through July 5, 2005, to provide his projected max-out date. The plaintiff was advised that his failure to provide the requested information would result in dismissal of this action for failure to prosecute. The envelope mailed to the plaintiff on June 21, 2005, at his last known address (Ridgeland Correctional Institution, P.O. Box 2039, Ridgeland, SC 29936) was returned to the court indicating that the plaintiff had been released from that facility.

By orders of this court filed June 28, 2004, August 4, 2004, and October 19, 2004, the plaintiff was advised of his responsibility to notify the court *in writing* if his address changed.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution.

s/Bruce H. Hendricks
United States Magistrate Judge

July 12, 2005

Greenville, South Carolina